

Notice of Allowability

Application No.

10/770,358

Examiner

JA E U. YU

Applicant(s)

KARR ET AL.

Art Unit

2185

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief 5/28/2009.
2. ☒ The allowed claim(s) is/are 1-6,8,9,11-17,19,20 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/27/09.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Mason (64,404) on 8/21/2009.

The application has been amended as follows:

As per **claim 6**:

A method comprising:

creating a second storage object, wherein

[creating] the second storage object is created as a virtual snapshot copy
of a first storage object, [wherein]

creating the second storage object comprises a computer system creating

a description of the second storage object, and

the description of the second storage object comprises data that relates

the second storage object to second underlying storage objects;

adding data to a description for the first storage object to indicate that the first
storage object is related to the second storage object;

the computer system transmitting the first storage object description to a first
computer system[.]; and[.];

the computer system transmitting the second storage object description to a
second computer system.

As per **claim 10**:
(Cancelled)

As per **claim 17**:

A memory medium comprising instructions executable by a computer system, wherein the computer system implements a method in response to executing the instructions, the method comprising:

creating a second storage object, wherein

[creating] the second storage object is created as a virtual snapshot copy of a first storage object, [wherein]

creating the second storage object comprises creating a description of the second storage object, and

the second storage object description comprises data that relates the second storage object to second underlying storage objects;

adding data to a description for the first storage object to indicate that the first storage object is related to the second storage object;

transmitting the first storage object description to a first computer system[.];
and[.];

transmitting the second storage object description to a second computer system.

As per **claim 21**:
(Cancelled)

Conclusion

A. Subject Matter Considered Allowable

Claims 1-6, 8, 9, 11-17, 19, 20 and 22 are allowed.

The primary reasons for allowance of claims 1, 6, 12 and 17 in the instant application is the combination with the inclusion in these claims that **"the first storage object description comprises data that relates the first storage object to first underlying storage objects or to first physical memory regions", "the second object description comprises data identifying the second storage object as a snapshot copy of the first storage object", "adding data to a description for the first storage object to indicate that the first storage object is related to the second storage object"; and "the computer system transmitting the first storage object description...to a second computer system".** The prior art of record neither anticipates nor renders obvious the above recited combination. Claims 2-5, 8, 9, 11, 13-16, 19, 20 and 22 are allowable due to their dependency on the allowed claims 1, 6, 12 and 17.

B. Direction of Further Remarks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jae Un Yu who is normally available from 9:00 A.M. to 5:30 P.M. Monday thru Friday and can be reached at the following telephone number: (571) 272-1133.

If attempts to reach the above noted examiner by telephone are unsuccessful, the Examiner's supervisor, Sanjiv Shah, can be reached at the following telephone number: (571) 272-4098.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jae U Yu/

Examiner, Art Unit 2185

8/27/2009

/Hong Kim/

Primary Examiner, Art Unit 2185